

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

February 6, 2006

PRESENT: Tom Cowan, Chairman
Terry Janicz
John Olaf
Andy Kelkenberg
Rick Meahl
John Potera
Don Hoefler
Christine Falkowski, Recording Clerk
Rebecca Baker, Zoning Officer

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

Preapplication Conference – Billo Quarry Subdivision

Charlie Kelkenberg appeared. LaFarge North America, Inc. is the owner of this 74.2 acre parcel with frontage on Stage, Billo and Hiller Roads. Charlie provided a Release & Authorization from LaFarge authorizing LF One, LLC to apply for subdivision approval concerning this parcel and another 51.4 acre parcel on Jones Road. Charlie stated that Harold Frey wants to buy a 10-acre piece, and Bill Lorenz wants a 16-acre piece, leaving approximately 48 acres. His long range plan is to divide this into nine five-acre lots without a road. There is one large and one small pond on the property. Charlie stated that there has been no DEC reclamation of the parcel. Because this property was mined, Wendel Duchscherer would like soil borings done. The two lots will be addressed now as a minor subdivision, requiring a public hearing with the Planning Board. Though, it was decided that due diligence will address the concept plan for the entire parcel now. This concept plan will be prepared for the March 6th agenda (application deadline – February 24th). Charlie has a minor subdivision checklist and was given the major subdivision checklist tonight. The Planning Board reviews major subdivisions and refers them to the Town Board to begin the SEQR process, public hearing and ultimate approval.

Charlie brought up the 5-lot major subdivision on Hunts Corners & Dye Roads. He blamed the Town for the tedious, problematic process for approval. Although it is the Town's opinion that he is partly responsible. He also stated that he wants a refund on one lot, as a buyer eventually purchased a second lot and merged it into one. Becky stated she will check into this.

Pre-Application Conference - Site Plan -13800 Main Road – James Salzbach

Ehrenreich Construction represented Mr. Salzbach, who recently built a log home on his property. He is now proposing to construct a 3,200 sq. ft. pole barn style building for vehicle storage. The long term plan is to move his towing and auto repair business from Pembroke (Jim & Bob's Service) to this location. Mr. Ehrenreich stated that concrete and blacktop areas are planned, but no additional buildings. These impervious surfaces added to the 5,378 sq. ft. for the buildings will trigger the need for a stormwater management plan prepared by an engineer. Any development in the Overlay Zone (first 500' on Route 5) requires an approved site plan to include the footprint of the buildings, pavement, lighting, landscaping, signage, etc. A copy of the Overlay Zone ordinance was given to the Ehrenreich's. Becky recommended that all potential expansion be addressed now at this site plan. The Planning Board will review it at their meeting on March 6th (deadline = February 24th) and refer it to the Town Board to begin the SEQR process, public hearing and subsequent approval.

Minutes Review

Tom motioned to approve the minutes of January 16, 2006 as amended, seconded by Terry:

Tom Cowan	-Aye
Rick Meahl	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Andy Kelkenberg	-Aye
John Potera	-Aye
Don Hoefler	-Aye

Next Meeting

Due to the fact that the next meeting date (February 20th) is a holiday and that Tom, Christine and Becky will be out of town, Rick motioned to re-schedule it to February 27th, seconded by Don:

Tom Cowan	-Aye
Rick Meahl	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Andy Kelkenberg	-Aye
John Potera	-Aye
Don Hoefler	-Aye

Tom cannot attend on the 27th, but Andy will act as Chairman. Christine will call Andy if it is necessary to meet with him on Thursday, February 23rd.

Special Use Permit Renewals

The following special use permits are due for renewal in 2006. They have requested renewal, paid the fee, and we have received no complaints:

<u>Applicant</u>	<u>Location</u>	<u>Use</u>
Country Care Day Care	11936 Rapids Road	group day care
Triple G Small Engine Repair	12056 Buckwheat Road	small repair business
Buffalo Drilling Co., Inc.	12340 Main Road	soil laboratory
Champion Auto Locators	11678 Main Road	used auto dealership

Andy motioned to recommend renewal to the Town Board, seconded by John Olaf:

Tom Cowan	-Aye
Rick Meahl	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Andy Kelkenberg	-Aye
John Potera	-Aye
Don Hoefler	-Aye

Special Events Permits

The guy who sells vegetables on Route 5 in the right-of-way does not need a permit from the Town of Newstead. A peddler's license would not allow selling in the right-of-way. An example of a special event would be hot air balloon rides over one weekend. Mark's research from 2002 was redistributed. Does the DOT have a policy? How does the Town of Lancaster handle the selling of paintings at Genesee & Transit? How do they handle enforcement and liability? This will be checked.

Outdoor Wood Boilers

On January 9th the Supervisor and Town Board received a complaint about the operation of an outdoor wood boiler along with a report prepared by the New York State Attorney General's office. The resident states that outdoor wood boilers are a health hazard and that she is suffering from the heavy smoke coming from the boiler at 7940 Moore Road, across from her residence. She is requesting that the Town Board develop guidelines or regulations for these boilers in Newstead. The height of the stack, proximity to other structures and the material burned in them could be considered for regulation. This packet of information was distributed at the meeting. Tom asked the members to review it for discussion next time.

Shared Driveways (two homes on one parcel)

Newstead Town Code allows two houses on one lot in the RA district as long as the minimum area of the lot is 90,000 square feet. The Department received an inquiry about sharing the existing driveway for a second house to be built on a 41-acre lot. The members felt strongly against this and would like to see the text revised to say that separate driveways are required for each house, or that land must be set aside for a potential split. How is this different from the proposed flaglot ordinance, where shared driveways are acceptable?

Condominiums

A developer, who was turned down in the Town of Lancaster, inquired about whether we allow condominiums in Newstead. Presently they are allowed in the R-3 zone (on the golf course) and in the C-2 zone. Consider this when defining/rezoning Route 5. Ask Lancaster why not allowed---impact on schools, services, population control?

The Dog House

The owner applied for a building permit for a six-car garage. Because it is on Route 5 in the Overlay Zone, a site plan is required for development or expansion of any kind. After relaying this to the owner and/or his agent in writing, in person and by phone, a new stone driveway was installed, which generated a violation notice. The owner called and finally agreed to a pre-application conference on February 27th.

Route 5 Rezoning

Copies of the zoning code showing the cross-outs of proposed use changes were sent to each member.

Special Use Permits in RA Zone

Recommendations were sent to the Town Board for review in April 2005. Another memo will be sent, and Tom Cowan is offering to meet with the Town Board. It was agreed that a number of ordinances need to be amended, including our subdivision law.

John P. made a motion to adjourn the meeting at 9:35PM, seconded by John O. and all approved.

Respectfully submitted,

Christine Falkowski
Recording Clerk